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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Thomas Cain Alvarez,

Defendant.

No. CR-24-01438-PHX-SMB-01

**STIPULATION AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESSES**

The United States of America, through undersigned counsel, and the defendant, Thomas Cain Alvarez, do hereby stipulate and agree as follows:

(1) Kevin Lopez-Quiroz, Jaime Gomez-Silva, and Pedro Said Hernandez-Hernandez (hereafter the "Material Witnesses") are not citizens or nationals of the United States;

(2) The Material Witnesses entered the United States illegally on or about August 19, 2024, and were unlawfully present in the United States on August 20, 2024;

(3) On August 20, 2024, the Material Witnesses were located at a residence;

(4) The defendant has been provided discovery in the above-captioned matter Bates stamped 1 through 258;

(5) The parties may elicit hearsay testimony from government witnesses regarding any statements made by the above-referenced material witnesses contained in

1 the discovery provided to the defendant, and such testimony shall be admitted as
2 substantive evidence in any hearing or trial in the above-captioned matter;


3 (6) As a result of this stipulation, the Material Witnesses will be returned to their
4 country of origin; and

5 (7) The parties agree the Material Witnesses will be unavailable at trial under
6 Rule 804 of the Federal Rules of Evidence, and the defendant waives all rights to confront
7 or cross-examine the Material Witnesses.

8 Based on the foregoing, the parties jointly move for the release of the above-named
9 Material Witnesses to the Department of Homeland Security for return to their countries
10 of origin.

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12 Dated this 29th day of August, 2024.

13 GARY M. RESTAINO
14 United States Attorney
District of Arizona

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16 MATTHEW D. DOYLE
17 Assistant U.S. Attorney

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19 LOYD TATE
20 Attorney for Defendant

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22 THOMAS CAIN ALVAREZ
23 Defendant
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